

Joseph Mitchell
 Canadian Illegal Alien State Prison
 Prison # D-09632 (E-Wing-301L)
 Post Office Box 689
 Soledad, Ca. 93960

(Petitioner In Pro Se)

RECEIVED
 CATHY A. CATTERSON, CLERK
 U.S. COURT OF APPEALS

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DATE

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RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

IN THE UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

* * *

JOSEPH MITCHELL,

Petitioner-Appellant,

v.

UNITED STATES ATTORNEY GENERAL,
 et al.,

Defendant-Appellee.

) Docket No.: 07-4619 SI (PP)
)
) NOTICE OF APPEAL BEFORE
) THE NINTH CIRCUIT COURT
) OF APPEALS; FILED IN
) ACCORDANCE WITH ALL
) FEDERAL STATUTORY
) LAWS; AND IN ACCORDANCE
) WITH THE U.S. SUPREME
) COURT'S RECENT DECISION
) FERNANDEZ-VARGAS v.
) GONZALES, U.S.,
) 126 S.Ct. 2422 (2006)

TO THE HONORABLE PRESIDING JUSTICES

IN AND FOR THE NINTH CIRCUIT COURT OF APPEALS


Petitioner, Joseph Mitchell, hereby Notifies this Honorable Ninth Circuit Court of Appeals Justices, that he is appealing the "Order of Dismissal" out of the Northern District Court of California. Petitioner asserts that the district court filed to follow the mandates set forth in FERNANDEZ-VARGAS v. GONZALES, U.S., 126 S.Ct. 2422 (2006) and INS v. St. Cyr, 533 U.S. 289, 316, 123 S.Ct. 2271 (2001), which reinforced Petitioner's contentions that the Immigration

1 and Nationality Technical Corrections Act of 1994, Pub.L.
2 No. 103-416, 108 Stat. 4305 ("INTCA") is not retroactive to
3 Petitioner's 1984 conviction and USINS detainer placement.
4 Petitioner maintains that this Court's decision in Garcia
5 v. Taylor, 40 F.3d 299, 301 (9th Cir.1994) should again to
6 followed, and the decision of Campos v. I.N.S., 62 F.3d 311
7 (9th Cir.1995) should not be followed based on the above U.S.
8 Supreme Court decisions. Petitioner has now been in California
9 State Prison custody for 23 years without any due process
10 fair and impartial deportation hearing being held. Further,
11 Petitioner set forth in his 28 U.S.C. §2241 petition that
12 several areas of mandatory deportation laws are being violated
13 by the failure of the San Jose "BICE" agents to activate a
14 charging document with the State Prison Officials after 23
15 straight years of incarceration.

16 Wherefore, Petitioner graciously requests the issuance
17 of appeal in this case.

18 Dated this 27th day of September, 2007.

19 Respectfully Submitted,

20 
21 Joseph Mitchell
22 Canadian Illegal Alien
23 Petitioner In Pro Se
24 Without Bar Licensed Counsel
25
26
27
28

**PROOF OF SERVICE BY MAIL
BY PERSON IN STATE CUSTODY**

(C.C.P. §§ 1013(A), 2015,5)

I, Joseph Mitchell, declare:

I am over 18 years of age and I am party to this action. I am a resident of CORRECTIONAL TRAINING FACILITY prison, in the County of Monterrey, State of California. My prison address is:

Joseph Mitchell, CDCR #: D-09632
CORRECTIONAL TRAINING FACILITY
P.O. BOX 689, CELL #: E-301-L
SOLEDAD, CA 93960-0689.

On Joseph Mitchell 9-27-07, I served the attached:

Application For COA

Notice of Appeal

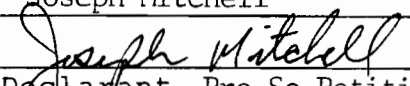
on the parties herein by placing true and correct copies thereof, enclosed in a sealed envelope (verified by prison staff), with postage thereon fully paid, in the United States Mail in a deposit box so provided at the above-named institution in which I am presently confined. The envelope was addressed as follows:

Ninth Circuit Court of Appeals
Post Office Box 193939
San Francisco, Ca. 94119-3939

Office of the Attorney General
455 Golden Gate Ave., Suite 11000
San Francisco, Ca. 94102-7004

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on September 27th 2007.

Joseph Mitchell

Declarant Pro Se Petitioner
Prisoner ID # D-09632 / E-301-L